

Committee Room,  
Austin, Texas, February 5, 1931.

Hon. Fred H. Minor, Speaker of the  
House of Representatives.

Sir: Your Committee on En-  
grossed Bills, to whom was referred

H. B. No. 244, A bill to be entitled  
"An Act defining the offense of kid-  
napping for extortion, ransom or  
robbery, and prescribing the punish-  
ment,"

Have carefully compared same and  
find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,  
Austin, Texas, February 5, 1931.

Hon. Fred H. Minor, Speaker of the  
House of Representatives.

Sir: Your Committee on En-  
grossed Bills, to whom was referred

H. B. No. 192, A bill to be entitled  
"An Act to levy and collect annually  
a three dollar road tax against all  
able-bodied male citizens of Hays  
county, Texas, who are between the  
ages of twenty-one and forty-five  
years; providing the manner of as-  
sessment and collection of said tax  
and repealing all laws in conflict  
therewith, and declaring an emer-  
gency,"

Have carefully compared same and  
find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,  
Austin, Texas, February 5, 1931.

Hon. Fred H. Minor, Speaker of the  
House of Representatives.

Sir: Your Committee on En-  
grossed Bills, to whom was referred

H. C. R. No. 3, Relative to issu-  
ance of certain road bonds.

Have carefully compared same and  
find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,  
Austin, Texas, February 5, 1931.

Hon. Fred H. Minor, Speaker of the  
House of Representatives.

Sir: Your Committee on En-  
grossed Bills, to whom was referred

H. B. No. 41, A bill to be entitled  
"An Act making it an offense for a  
person to cohabit with a husband or

wife which he has married without  
the State when such person has liv-  
ing at such time another husband or  
wife, providing for a penalty and  
things incidental thereto, and declar-  
ing an emergency,"

Have carefully compared same and  
find it correctly engrossed.

JUSTISS, Chairman.

## REPORT OF COMMITTEE ON ENROLLED BILLS.

Committee Room,  
Austin, Texas, February 6, 1931.

Hon. Fred H. Minor, Speaker of the  
House of Representatives.

Sir: Your Committee on Enrolled  
Bills, to whom was referred

H. C. R. No. 5, Providing for dis-  
play of certain cotton bagging.

Have carefully compared same and  
find it correctly enrolled

BOUNDS, Vice-Chairman.

## FIFTEENTH DAY.

(Monday, February 9, 1931.)

The House met at 10 o'clock a. m.,  
pursuant to adjournment, and was  
called to order by Speaker Minor.

The roll was called, and the follow-  
ing members were present:

Mr. Speaker.	Coombes.
Adams of Harris.	Cox of Lamar.
Adams of Jasper.	Cox of Limestone.
Adamson.	Cunningham.
Adkins.	Dale.
Akin.	Daniel.
Albritton.	Davis.
Alsup.	DeWolfe.
Anderson.	Donnell.
Baker.	Dowell.
Barron.	Dunlap.
Bedford.	Dwyer.
Bond.	Elliott.
Bounds.	Engelhard.
Boyd.	Farmer.
Brice.	Farrar.
Bryant.	Ferguson.
Burns of Walker.	Fisher.
Burns	Forbes.
of McCulloch.	Ford.
Carpenter.	Fuchs.
Caven.	Gilbert.
Claunch.	Giles.
Coltrin.	Graves.

Greathouse.	Moore.
Grogan.	Morse.
Hanson.	Munson.
Hardy.	Murphy.
Harrison	Nicholson.
of El Paso.	Olsen.
Hatchitt.	O'Quinn.
Hefley.	Patterson.
Herzik.	Ramsey.
Hill.	Ray.
Hines.	Reader.
Holder.	Richardson.
Holland.	Rogers.
Holloway.	Rountree.
Hoskins.	Sanders.
Howsley.	Satterwhite.
Hubbard.	Savage.
Hughes.	Shelton.
Jackson.	Sherrill.
Johnson	Smith of Bastrop.
of Dallam.	Smith of Wood.
Johnson of Morris.	Sparkman.
Jones of Shelby.	Stephens.
Jones of Atascosa.	Stevenson.
Kayton.	Steward.
Keller.	Strong.
Kennedy.	Sullivant.
Laird.	Tarwater.
Lasseter.	Terrell
Lee.	of Cherokee.
Lemens.	Terrell
Leonard.	of Val Verde.
Lilley.	Turner.
Lockhart.	Van Zandt.
Long.	Veatch.
McCombs.	Wagstaff.
McDougald.	Walker.
McGill.	Warwick.
McGregor.	Weinert.
Magee.	West of Coryell.
Mathis.	West of Cameron.
Mehl.	Wyatt.
Metcalfe.	Young.
Moffett.	

## Absent.

Beck.	Harrison
Brooks.	of Waller.
Finn.	Petsch.
	Westbrook.

## Absent—Excused.

Bradley.	Martin.
Dodd.	Pope.
Duvall.	Ratliff.
Goodman.	Scott.
Harman.	Towery.
Johnson	Vaughan.
of Dimmit.	Wiggs.
Justiss.	

A quorum was announced present.

Prayer was offered by the Rev. John W. Holt, Chaplain.

## LEAVES OF ABSENCE GRANTED.

The following members were granted leaves on absence on account of important business:

Mr. Johnson of Dimmit for today, on motion of Mr. DeWolfe.

Mr. Finn for today, on motion of Mr. Keller.

Mr. Justiss for today, on motion of Mr. Bounds.

Mr. Wiggs for today, on motion of Mr. Turner.

Mr. Pope for today, on motion of Mr. Steward.

Mr. Ratliff for today, on motion of Mr. O'Quinn.

Mr. Harman for today, on motion of Mr. Ford.

Mr. Vaughan for today, on motion of Mr. Grogan.

Mr. Goodman for today, on motion of Mr. Elliott.

Mr. Dodd for today, on motion of Mr. Graves.

Mr. Duvall for today, on motion of Mr. Dunlap.

Mr. Scott for today, on motion of Mr. West of Coryell.

Mr. Martin for today, on motion of Mr. Dwyer.

The following members were granted leaves of absence on account of illness:

Mr. Bradley for today and the balance of the week, on motion of Mr. Morse.

Mr. Towery for today on account of illness in his family, on motion of Mr. Gilbert.

## HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Duvall et al.:

H. B. No. 413, A bill to be entitled "An Act to expedite and simplify the collection and payment by banks of checks and other instruments for the payment of money."

Referred to Committee on Banks and Banking.

By Mr. Adams of Jasper:

H. B. No. 414, A bill to be entitled "An Act to establish and maintain a dairy cattle, goat, sheep, hog and poultry agricultural experiment station in the piney woods region of

Southeast Texas, in one of the following counties: Newton, Orange, Jasper, Hardin or Liberty, authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to select a suitable location for said station, and empowering said Board of Directors to establish and maintain the same, to accept not less than two hundred acres of land as a donation for said experimental station, together with water and money for the establishment of said station, and for the operation of same, and declaring an emergency."

Referred to Committee on Agriculture.

By Mr. Finn, Mr. Keller, Mr. Walker, Mr. Ray and Mr. Sherrill et al.:

H. B. No. 415, A bill to be entitled "An Act amending Article 6673, Chapter One, of Title 116, of the Revised Civil Statutes of Texas, and providing for the control of State highways of Texas, and providing that no change in the routing of highways already designated within towns and cities of more than two hundred (200) population shall be changed without the consent of the commissioners court of the county wherein said town or city is situated, and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Mr. Laird:

H. B. No. 416, A bill to be entitled "An Act amending Article 7014, Chapter 8, of the Revised Civil Statutes of 1925, providing that before the commissioners court of any county in this State shall levy a tax, issue warrants or incur any indebtedness for tick eradication work in such county such tax, not to exceed five cents on the one hundred dollars' valuation of all taxable property, or such indebtedness must first be authorized by a majority vote of the qualified property taxpaying voters of the county where such work is to be done, and repealing all laws in conflict herewith."

Referred to Committee on Live Stock and Stock Raising.

By Mr. Van Zandt:

H. B. No. 417, A bill to be entitled "An Act to amend Article 1536, Revised Statutes of 1925, prescribing penalties for the transaction of business by foreign corporations in this State without obtaining a permit to

do business in Texas, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Grogan, Mr. Lilley, Mr. Harman, Mr. Munson and Mr. Ford:

H. B. No. 418, A bill to be entitled "An Act to amend Chapter 3, Title 9, of the Code of Criminal Procedure of the Revised Statutes of 1925, by adding thereto Article 778a, relating to suspended sentences, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Tarwater and Mr. Engelhard:

H. B. No. 419, A bill to be entitled "An Act amending Chapter 7, Title 93, of the Revised Civil Statutes of 1925, as amended by Acts of Regular Session of the Forty-first Legislature, by adding the following new articles numbered as follows: Articles 5736a, 5736b, 5736c, 5736d and 5736e, establishing Babcock test as official dairy test for butter fat; providing for methods of operating said test, etc., and declaring an emergency."

Referred to Committee on Agriculture.

By Mr. Farmer:

H. B. No. 420, A bill to be entitled "An Act amending Article 2294 of the Revised Civil Statutes of the State of Texas for 1925, relating to the qualifications of receivers; prescribing all receivers' qualifications; all receivers to make proper affidavit of qualifications and record same in the minutes of the court; prescribing for void appointments, and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Van Zandt:

H. B. No. 421, A bill to be entitled "An Act to amend Article 1321, Revised Statutes, 1925, relating to the borrowing of money and the mortgage and disposal of corporate assets."

Referred to Committee on Municipal and Private Corporations.

By Mr. Baker and Mr. Jones of Atascosa:

H. B. No. 422, A bill to be entitled "An Act to amend Article 3897, Revised Statutes, as amended by Section 5, Chapter 20, Acts Forty-first Legis-

lature, Fourth Called Session, so as to exempt officers in counties of less than 25,000 inhabitants from the requirement of making sworn reports; prohibiting commissioners courts from allowing such officers ex-officio salary so that they may receive any amount above the maximum fixed by said chapter, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Burns of McCulloch:

H. B. No. 423, A bill to be entitled "An Act to amend Title 17, Chapter 1, of the Penal Code of the State of Texas, and to amend Article 1306 of the said title and chapter, and to amend Article 1316 of said title and chapter defining an attempt at arson, and providing a penalty for violation of Article 1316, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Hardy:

H. B. No. 424, A bill to be entitled "An Act amending Article 2264 of the Revised Civil Statutes of the State of Texas, of 1925, so as to provide for service on one member of a partnership, and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Weinert, Mr. Barron et al.:

H. B. No. 425, A bill to be entitled "An Act to amend Article 7212 of the Revised Civil Statutes of the State of Texas of 1925 regulating the powers of boards of equalization to supervise and to fix proper valuations on property for taxation by providing that after said valuation has been fixed said board or boards shall direct the tax assessor to place said property on the tax roll for taxation at forty per cent of the values so fixed, etc., and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Cox of Limestone, Mr. Ferguson, Mr. Kennedy, Mr. Bounds and Mr. Farmer:

H. B. No. 426, A bill to be entitled "An Act to amend Article 6664, Revised Civil Statutes of Texas, 1925, so as to provide that the three commissioners of the State Highway Department shall be elected in the same manner as other State officials; providing their remuneration and requir-

ing bond conditioned upon the faithful performance of duties, and the carrying out of the provisions of law governing the Highway Department; providing the length of the respective terms of the commissioners first elected, etc., and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Mr. Patterson, Mr. Morse, Mr. Martin et al.:

H. B. No. 427, A bill to be entitled "An Act providing that all officers and employes of the State of Texas, any county, or political subdivision thereof, including municipalities, who are members of the National Guard, National Guard Reserve, or Organized Reserves of the Army or Navy of the United States, shall be entitled to leave of absence without loss of pay or efficiency rating during such days as they may attend training ordered or authorized under provisions of law, and declaring an emergency."

Referred to Committee on Military Affairs.

By Mr. Pope:

H. B. No. 428, A bill to be entitled "An Act amending Article 4181 of the Revised Civil Statutes of 1925 so as to permit guardians to take out title insurance policies on real estate loans, mortgages and investments; providing that such title insurance shall be in a company operating under the provisions of the title insurance law of Texas, etc., and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Donnell:

H. B. No. 429, A bill to be entitled "An Act amending Title 126, Article 7429 (7799), of the 1925 Revised Statutes of the State of Texas, so as to allow the formation of co-operative associations between persons, firms or associations of persons for the purpose of co-operative producing, processing, purchasing or selling mineral or other natural products from the ground, and agricultural products, or for purchasing and selling general merchandise."

Referred to Committee on Judiciary.

By Mr. Laird (by request):

H. B. No. 430, A bill to be entitled "An Act providing for maximum expense to be allowed county superin-

tendents of public instruction for office and traveling expenses; repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Education.

By Mr. Van Zandt:

H. B. No. 431, A bill to be entitled "An Act to amend Article 7089, Revised Statutes, 1925, as amended by Section 3 of Chapter 68, Fifth Called Session of the Forty-first Legislature, and to repeal Section 5 of said Chapter 68, relating to franchise tax reports, penalties and liens, and to provide a punishment for unlawful inspection or disclosure of such reports."

Referred to Committee on State Affairs.

By Mr. Stevenson, Mr. Olsen, Mr. Albritton, Mr. Dowell and Mr. Ferguson:

H. B. No. 432, A bill to be entitled "An Act regulating the slaughter and sale of the meat of animals for market, and providing that every person engaged in the occupation of a butcher or slaughterer of cattle in this State shall file a bond, to be approved by the county judge of the county in which he desires to carry on such business, setting out the terms of said bond and providing penalties for violation thereof; and repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Live Stock and Stock Raising.

By Mr. Stevenson:

H. B. No. 433, A bill to be entitled "An Act to amend Article 1328, Revised Statutes, 1925, providing for certain records to be kept by corporations, providing for the inspection of corporation books by stockholders, and requiring annual reports to be mailed to stockholders, and declaring an emergency."

Referred to Committee on Municipal and Private Corporations.

By Mr. Metcalfe:

H. B. No. 434, A bill to be entitled "An Act amending Chapter 92 of the Acts of the First Called Session of the Forty-first Legislature of the State of Texas, and declaring an emergency."

(Fixing pay of deputies and assistants to county and district officers.)

Referred to Committee on State Affairs.

By Mr. Farrar:

H. B. No. 435, A bill to be entitled "An Act to amend Article 2682, Revised Statutes, 1925, relating to the supervisory powers of the district court in the formation of school districts; repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Education.

By Mr. West of Cameron:

H. B. No. 436, A bill to be entitled "An Act to create and validate Cameron County Water Control and Improvement District No. 18 in Cameron county, Texas, as a conservation and reclamation district; validating and approving all orders made by the commissioners court of said county in respect to the original organization of Cameron County Water Control and Improvement District No. 18, under Article 16, Section 59, of the Constitution, etc., and declaring an emergency."

Referred to Committee on Conservation and Reclamation.

By Mr. Adams of Harris, Mr. Alsup and Mr. Bradley:

H. B. No. 437, A bill to be entitled "An Act making it unlawful to hunt, take or kill wild turkey or wild deer; fixing a penalty; providing for open season in certain cases and counties; providing that in certain counties wild deer may be hunted with but one dog, etc., and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Giles, Mr. Tarwater and Mr. Van Zandt:

H. B. No. 438, A bill to be entitled "An Act relating to primary elections, providing for a preferential system of voting in such primary elections, prescribing the form of primary election ballots, directing the printing of certain instruction on such ballots, prescribing the form to be used in preparing such ballots, and in tallying the returns of the primary elections; describing the rules of determining nominees of political parties in all primary elections; and declaring the consequences of the failure to cast the ballot in conformity with the provisions hereof, and declaring an emergency."

Referred to Committee on Privileges, Suffrage and Elections.

By Mr. Van Zandt:

H. B. No. 439, A bill to be entitled "An Act to amend Article 3325, Article 3326, Article 3369 and Article 3370, Chapter 4, Title 54, of the Revised Civil Statutes of 1925, relating to the time to file applications for the grant of letters testamentary or of administration upon an estate so as to provide that such applications must be filed within two years after the death of the testator or intestate and not later; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Van Zandt:

H. B. No. 440, A bill to be entitled "An Act to amend Article 7272, of Chapter 8, Title 122, of the Revised Civil Statutes of 1925, relating to liability of property for taxes so as to provide that a person may pay on a part of the property assessed without being required to pay on all of the property assessed; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Lee, Mr. Albritton, Mr. Coltrin, Mr. Olsen and Mr. Hubbard:

H. B. No. 441, A bill to be entitled "An Act to provide for State supervision of weighing of cotton and other farm products at cotton gins, and other points of concentration and distribution; providing for State weight supervision; providing penalties and making an appropriation to carry same into effect, and enacting all provisions and regulations incidental to the subject and purpose of this act, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Lee, Mr. Albritton, Mr. Coltrin and Mr. Olsen:

H. B. No. 442, A bill to be entitled "An Act providing for State supervision of weighing of cotton at cotton gins and other points of concentration and distribution; providing for State weight supervision; providing penalties, collecting fees to cover expense of administering this act; making appropriation of moneys to carry same into effect, and enact-

ing all provisions and regulations incidental to the subject and purpose of this act, and declaring an emergency."

Referred to Committee on Agriculture.

By Mr. Farrar:

H. B. No. 443, A bill to be entitled "An Act making it unlawful for any independent school district within this State which assesses and collects taxes therein for school purposes to put higher valuation upon lands and other properties therein situated for taxation purposes than is fixed thereon for State and county purposes by the State and county officers entrusted with such duties, and further providing for the right to inspect and take copies of the rolls, records and tax sheets made by such State and county officers by the local assessing and collecting officers of various cities, towns and independent school districts located in such county."

Referred to Committee on Education.

#### MOTIONS TO PRINT.

Mr. Graves moved that House bill No. 132, reported adversely, with a minority favorable report, be printed.

Yeas and nays were demanded, and the motion was lost by the following vote:

Yeas—54.

Akin.	Johnson
Alsup.	of Dallam.
Bond.	Johnson of Morris.
Bounds.	Kennedy.
Boyd.	Lee.
Bryant.	Lemens.
Burns of Walker.	Lilley.
Carpenter.	Magee.
Caven.	Metcalf.
Claunch.	Murphy.
Coltrin.	Richardson.
Cox of Lamar.	Rountree.
Cox of Limestone.	Sanders.
Cunningham.	Satterwhite.
Daniel.	Savage.
Dowell.	Shelton.
Farmer.	Smith of Bastrop.
Forbes.	Smith of Wood.
Ford.	Sparkman.
Gilbert.	Stephens.
Giles.	Steward.
Graves.	Strong.
Greathouse.	Tarwater.
Grogan.	Terrell
Hanson.	of Cherokee.
Hatchitt.	Veatch.
Holder.	Warwick.
Hughes.	Young.

## Nays—59.

Adams of Harris.	Leonard.
Adams of Jasper.	Lockhart.
Adamson.	McCombs.
Adkins.	McDougald.
Albritton.	McGill.
Anderson.	Mathis.
Baker.	Mehl.
Coombes.	Moffett.
Dale.	Moore.
DeWolfe.	Morse.
Elliott.	Munson.
Engelhard.	Nicholson.
Farrar.	Olsen.
Fisher.	O'Quinn.
Fuchs.	Patterson.
Hardy.	Ramsey.
Harrison	Reader.
of El Paso.	Rogers.
Hefley.	Sherrill.
Herzik.	Stevenson.
Hill.	Sullivant.
Hines.	Terrell.
Holland.	of Val Verde.
Hoskins.	Turner.
Howsley.	Van Zandt.
Jackson.	Wagstaff.
Jones of Shelby.	Walker.
Jones of Atascosa.	Weinert.
Kayton.	West of Coryell.
Keller.	Wyatt.
Lasseter.	

## Present—Not Voting.

Holloway.

## Absent.

Barron.	Finn.
Beck.	Harrison
Bedford.	of Waller.
Brice.	Hubbard.
Brooks.	Laird.
Burns	Long.
of McCulloch.	McGregor.
Davis.	Petsch.
Donnell.	Ray.
Dunlap.	West of Cameron.
Dwyer.	Westbrook.
Ferguson.	

## Absent—Excused.

Bradley.	Martin.
Dodd.	Pope.
Duvall.	Ratliff.
Goodman.	Scott.
Harman.	Towery.
Johnson	Vaughan.
of Dimmit.	Wiggs.
Justiss.	

Mr. DeWolfe moved to reconsider the vote by which the motion was lost, and to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—68.

Adams of Harris.	Jones of Atascosa.
Adams of Jasper.	Kayton.
Adamson.	Lasseter.
Adkins.	Leonard.
Albritton.	Lockhart.
Anderson.	McCombs.
Baker.	McDougald.
Bedford.	McGill.
Coombes.	Mathis.
Cox of Limestone.	Mehl.
Cunningham.	Moffett.
Dale.	Moore.
DeWolfe.	Morse.
Dwyer.	Munson.
Elliott.	Olsen.
Engelhard.	O'Quinn.
Farrar.	Patterson.
Fisher.	Ramsey.
Fuchs.	Reader.
Giles.	Richardson.
Hanson.	Rogers.
Hardy.	Sherrill.
Harrison	Stevenson.
of El Paso.	Steward.
Hatchitt.	Sullivant.
Hefley.	Terrell
Herzik.	of Cherokee.
Hill.	Terrell
Hines.	of Val Verde.
Holland.	Turner.
Hoskins.	Van Zandt.
Howsley.	Wagstaff.
Hubbard.	Walker.
Hughes.	Weinert.
Jackson.	West of Coryell.
Jones of Shelby.	Wyatt.

## Nays—44.

Akin.	Johnson of Morris.
Alsup.	Kennedy.
Bond.	Lee.
Bounds.	Lemens.
Boyd.	Lilley.
Bryant.	Magee.
Carpenter.	Metcalfe.
Caven.	Murphy.
Claunch.	Rountree.
Coltrin.	Sanders.
Cox of Lamar.	Satterwhite.
Daniel.	Savage.
Dowell.	Shelton.
Farmer.	Smith of Bastrop.
Forbes.	Smith of Wood.
Ford.	Sparkman.
Gilbert.	Stephens.
Graves.	Strong.
Greathouse.	Tarwater.
Grogan.	Veatch.
Holder.	Warwick.
Holloway.	Young.

Present—Not Voting.  
Burns of Walker.

Absent.

Barron.	Johnson
Beck.	of Dallam.
Brice.	Keller.
Brooks.	Laird.
Burns	Long.
of McCulloch.	McGregor.
Davis.	Nicholson.
Donnell.	Petsch.
Dunlap.	Ray.
Ferguson.	West of Cameron.
Finn.	Westbrook.
Harrison	
of Waller.	

Absent—Excused.

Bradley.	Martin.
Dodd.	Pope.
Duvall.	Ratliff.
Goodman.	Scott.
Harman.	Towery.
Johnson	Vaughan.
of Dimmit.	Wiggs.
Justiss.	

Mr. Holder moved that House bill No. 164, reported adversely, with a minority favorable report, be printed.

The motion was lost.

Mr. Holder moved to reconsider the vote by which the motion to print was lost.

Mr. Hardy moved to table the motion to reconsider.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—59.

Adams of Jasper.	Herzik.
Adamson.	Hill.
Adkins.	Hines.
Albritton.	Holloway.
Bedford.	Hughes.
Bounds.	Jackson.
Boyd.	Johnson of Morris.
Burns of Walker.	Jones of Shelby.
Carpenter.	Jones of Atascosa.
Claunch.	Kayton.
Cunningham.	Keller.
Dale.	Kennedy.
Davis.	Lasseter.
Elliott.	Lemens.
Farrar.	Lilley.
Fisher.	Lockhart.
Ford.	McGill.
Fuchs.	Mathis.
Gilbert.	Mehl.
Greathouse.	Munson.
Hardy.	Murphy.
Harrison	Nicholson.
of El Paso.	Olsen.

Patterson.	Terrell
Reader.	of Val Verde.
Scott.	Turner.
Sparkman.	Van Zandt.
Stevenson.	Wagstaff.
Steward.	Weinert.
Sullivant.	West of Coryell.
	Wyatt.

Nays—48.

Adams of Harris.	Johnson
Akin.	of Dallam.
Alsup.	Lee.
Baker.	Leonard.
Bond.	McCombs.
Bryant.	McDougald.
Burns	Magee.
of McCulloch.	Metcalfe.
Caven.	Moffett.
Coltrin.	Moore.
Cox of Lamar.	Morse.
Cox of Limestone.	Richardson.
Daniel.	Rogers.
Dowell.	Rountree.
Engelhard.	Sanders.
Farmer.	Savage.
Forbes.	Shelton.
Grogan.	Smith of Bastrop.
Hatchitt.	Smith of Wood.
Hanson.	Strong.
Hefley.	Tarwater.
Holder.	Veatch.
Holland.	Walker.
Hoskins.	Warwick.
Howsley.	Young.

Present—Not Voting.

O'Quinn.	Stephens.
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Absent.

Anderson.	Harrison
Barron.	of Waller.
Beck.	Hubbard.
Brice.	Laird.
Brooks.	Long.
Coombes.	McGregor.
De Wolfe.	Petsch.
Donnell.	Ramsey.
Dunlap.	Ray.
Dwyer.	Satterwhite.
Ferguson.	Sherrill.
Finn.	Terrell
Giles.	of Cherokee.
Graves.	West of Cameron.
	Westbrook.

Absent—Excused.

Bradley.	Justiss.
Dodd.	Martin.
Duvall.	Pope.
Goodman.	Ratliff.
Harman.	Towery.
Johnson	Vaughan.
of Dimmit.	Wiggs.



# RELATIVE TO ISSUANCE OF CERTIFICATE OF INDEBT- EDNESS.

Mr. Gilbert offered the following resolution:

Whereas, There are now pending in this House three separate bills, each purporting to limit the authority of commissioners courts and other similar bodies to issue warrants for various public purposes and thereby creating an indebtedness upon the people of their several counties and cities without first securing the approval for the creation of such indebtedness, and in many cases without even the knowledge of the citizens of the making of such debts; and

Whereas, The practice of so settling huge debts upon the people of this State is manifestly unjust and unfair, for the reason that simple equity demands that persons who must discharge these debts ought to be consulted in the creation of same; and

Whereas, The building of public improvements by means of the issuance of such warrants is much more expensive to the citizenship than if such improvements are built by means of bond issues duly authorized; and

Whereas, The present practice of issuing warrants on the part of commissioners courts and city councils has already settled an enormous debt on the citizenship of this State the payment of which has resulted in a great burden to our people; and

Whereas, Information has come to the Legislature that by virtue of the introduction of the bills herein before referred to, various county commissioners courts and city councils of this State, being apprehensive of the possibility of the enactment of legislation along the lines provided in these bills, are at this time contemplating the issuance of enormous amounts of warrants; and

Whereas, Such practice is manifestly destructive of the best interest of the people of this State and deprives them of the right which every citizen of a representative people should have, namely, to exercise a voice in the matter of whether or not an indebtedness and a tax levy should be voted upon him; now, therefore, be it

Resolved by the House of Representatives, That we respectfully request all county commissioners courts

and city councils in the State of Texas not faced with an immediate emergency, to withhold the further issuance of any warrants or certificates of indebtedness until the Legislature of this State has had an opportunity to pass upon the question of whether or not such further debts should be authorized or outlawed; and be it further

Resolved, That the House of Representatives of this State by means of this resolution directs the attention of the people of Texas to the aforesaid measures now pending for our consideration so that they may request commissioners courts and city councils of Texas not to issue such further certificates of indebtedness until the matter has been finally disposed of by this Legislature.

Signed—Gilbert, Terrell of Cherokee, Weinert, Petsch.

The resolution was read second time and was adopted.

## REQUESTING CERTAIN FUNDS FROM FEDERAL GOV- ERNMENT.

The Speaker laid before the House, for consideration at this time, resolution offered by Mr. Terrell of Cherokee, requesting certain funds from the Federal government.

The resolution having heretofore been read second time and referred to the Committee on Agriculture.

The Committee having reported the resolution favorably.

Question recurring on the resolution, it was adopted.

## MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, February 9, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. B. No. 16, A bill to be entitled "An Act relating to the nomination of directors of water improvement districts to serve under the provisions of Chapter 2, Title 128, Revised Civil Statutes, 1925."

S. B. No. 39, A bill to be entitled "An Act amending Section 3, Chapter 88, Acts of Second Called Session of the Forty-first Legislature, and declaring an emergency."

S. B. No. 46, A bill to be entitled "An Act providing for the appointment of a juvenile officer and assist-

ant juvenile officers etc., and declaring an emergency."

S. B. No. 84, A bill to be entitled "An Act to allow office and traveling expenses of the superintendent of public instruction in certain counties, etc., and declaring an emergency."

S. B. No. 148, A bill to be entitled "An Act to fix the jurisdiction of the juvenile court in Cameron county, etc., and declaring an emergency."

S. B. No. 152, A bill to be entitled "An Act amending Harris county road law, chapter 17, Acts of the Regular Session of the Thirty-third Legislature, etc."

S. B. No. 157, A bill to be entitled "An Act to fix the salary of the superintendent of public instruction in each county in Texas having a certain population, etc., and declaring an emergency."

S. B. No. 158, A bill to be entitled "An Act validating, ratifying and approving the acts and proceedings of the county board of school trustees relating to consolidation of common school districts in certain counties, etc., and declaring an emergency."

Respectfully,

JNO. B. DUPRIEST,

Assistant Secretary of the Senate.

INVITING MEMBERS OF THE  
HOUSE TO ATTEND PRES-  
ENTATION OF PORTRAIT  
OF HUGH NUGENT FITZ-  
GERALD TO SENATE.

Mr. Weinert sent up and had read the following invitation:

Whereas, Texas has numbered among her illustrious citizens many whose contribution to civilization will live throughout eternity, and among those there is none who has so impressed his generation as that genial and universally loved citizen, Hugh Nugent Fitzgerald; and

Whereas, Hugh Nugent Fitzgerald has been a factor in moulding public opinion in Texas for half a century, as managing editor of the Dallas News; as editor of the Fort Worth Record; as editor and publisher of the Wichita Falls News-Record; and as editorial writer for a large number of other Texas newspapers; and

Whereas, Hugh Nugent Fitzgerald has been a courageous, fearless and outspoken worker and devotee to the upbuilding of Texas and all of her interests, guided by the State's greatness and her possibilities as a leader in the economic, social, moral, educational, commercial, political,

agricultural and other fields; and

Whereas, Hugh Nugent Fitzgerald has at all times and on all occasions insisted upon the highest ideals in public affairs, and in holding inviolate and unsullied the honor and integrity of his adopted State; and

Whereas, Hugh Nugent Fitzgerald in 1927 published a book entitled "Governors I Have Known," portraying his interpretation of Texas' Chief Executives from the administrations of the lamented James Stephen Hogg to the present, thus contributing a valuable study of leadership in Texas affairs for the benefit of those who should follow; and

Whereas, A portrait of Hugh Nugent Fitzgerald has been provided by his friends and admirers to be presented to the Senate of Texas in recognition of his service to the State as a citizen and as an official; therefore, be it

Resolved by the Senate, That we fix Tuesday, February 10, 1931, at 11:30 o'clock a. m., as the time for presentation of the portrait to the Senate; that Col. and Mrs. Fitzgerald be apprised of this occasion; and that members of the House of Representatives be invited to witness and participate in the exercises; be it further

Resolved, That a copy of this resolution be enrolled and presented to Col. and Mrs. Fitzgerald.

On motion of Mr. Weinert, the House accepted the invitation.

HOUSE BILL NO. 42 ON SECOND  
READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 42, A bill to be entitled "An Act to amend Article 2203 of Chapter 8 of Title 42 of the Revised Civil Statutes of Texas, 1925, relating to the verdict of juries in civil cases, so as to provide that in the trial of civil cases nine members of the jury concurring may render a verdict in the district court and five jurors concurring may render a verdict in the county court, county courts at law and courts of justices of the peace, and repealing all laws in conflict herewith, and declaring an emergency."

The bill was read second time.

Mr. Davis offered the following amendment to the bill:

Amend House bill No. 42 by substituting the word "four" for "five" in line 27, page 1.

Mr. McCombs raised a point of order on further consideration of the amendment on the ground that the amendment is unconstitutional insofar as the county courts are concerned.

The Speaker overruled the point of order.

Mr. Bond raised a point of order on consideration of the amendment on the ground that it violates certain other provisions of the Constitution.

The Speaker overruled the point of order.

Question then recurring on the amendment by Mr. Davis, yeas and nays were demanded.

The amendment was lost by the following vote:

#### Yeas—19.

Cox of Limestone.	Lasseter.
Cunningham.	Lockhart.
Daniel.	Nicholson.
Davis.	Ray.
Donnell.	Shelton.
Engelhard.	Smith of Bastrop.
Farmer.	Sparkman.
Fuchs.	Stevenson.
Hatchitt.	Strong.
Herzlk.	

#### Nays—100.

Adams of Harris.	Gilbert.
Adams of Jasper.	Graves.
Adamson.	Greathouse.
Adkins.	Grogan.
Akin.	Hanson.
Albritton.	Hardy.
Alsup.	Hefley.
Baker.	Hill.
Barron.	Hines.
Bedford.	Holder.
Bond.	Holland.
Bounds.	Holloway.
Boyd.	Hoskins.
Bryant.	Howsley.
Burns of Walker.	Hubbard.
Burns	Hughes.
of McCulloch.	Jackson.
Carpenter.	Johnson
Caven.	of Dallam.
Claunch.	Johnson
Coltrin.	of Dimmit.
Coombes.	Jones of Shelby.
Cox of Lamar.	Jones of Atascosa.
Dale.	Kayton.
DeWolfe.	Keller.
Dowell.	Kennedy.
Dunlap.	Lee.
Dwyer.	Lemens.
Elliott.	Lilley.
Ferguson.	McCombs.
Fisher.	McDougald.
Forbes.	McGill.
Ford.	McGregor.

Magee.	Stephens.
Mathis.	Steward.
Mehl.	Sullivant.
Moffett.	Tarwater.
Moore.	Terrell
Morse.	of Cherokee.
Munson.	Terrell
Murphy.	of Val Verde.
Olsen.	Turner.
O'Quinn.	Van Zandt.
Patterson.	Veatch.
Ramsey.	Wagstaff.
Reader.	Walker.
Richardson.	Warwick.
Rogers.	Weinert.
Rountree.	West of Coryell.
Satterwhite.	West of Cameron.
Savage.	Wyatt.
Sherrill.	Young.
Smith of Wood.	

#### Present—Not Voting.

Brice.

#### Absent.

Anderson.	Harrison
Beck.	of Waller.
Brooks.	Laird.
Farrar.	Leonard.
Finn.	Long.
Giles.	Metcalf.
Harrison	Petsch.
of El Paso.	Sanders.
	Westbrook.

#### Absent—Excused.

Bradley.	Martin.
Dodd.	Pope.
Duvall.	Ratliff.
Goodman.	Scott.
Harman.	Towery.
Johnson of Morris.	Vaughan.
Justiss.	Wiggs.

Mr. Hardy offered the following amendment to the bill:

Amend House bill No. 42 by inserting after the word "State" in line 25 and before the word "nine" the following, "if after twelve hours' actual deliberation a unanimous verdict cannot be had."

Mr. Van Zandt offered the following substitute for the amendment:

Amend House bill No. 42, page 1, line 30, of the printed bill, by adding after the end of Section 1 the following: "Provided, however, that a verdict rendered in district courts, county courts and county courts at law of this State, in civil cases otherwise than by unanimous concurrence of all jurors, shall not be received or accepted by the court within six hours from the time the case was submitted to such jury."

Question: Shall the substitute amendment be adopted?

RECESS.

On motion of Mr. Keller, the House, at 12:10 o'clock p. m., took recess to 10 o'clock a. m. tomorrow.

APPENDIX.

STANDING COMMITTEE  
REPORTS.

The following committees have filed favorable reports on bills, as follows:

Appropriations: House bills Nos. 397, 398, 399; Senate bill No. 75.

Criminal Jurisprudence: House bills Nos. 69, 195.

Judicial Districts: House bill No. 352.

The Committee on Criminal Jurisprudence filed an adverse report with a minority favorable report on House bill No. 132.

REPORT OF THE COMMITTEE  
ON ENGROSSED BILLS.

Committee Room,  
Austin, Texas, February 6, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred H. B. No. 37, A bill to be entitled "An Act to amend Articles 1083, 1084, 1085 and 1088 of the Code of Criminal Procedure of the State of Texas, Revision of 1925, changing the age of a male delinquent child from 17 years of age to 18 years of age, the same as a female delinquent child, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

**In Memory**  
**of**  
**Hon. J. H. Swope**

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•Mr. Morse offered the following resolution:

Whereas, On the 2nd day of February, A. D. 1931, Mr. J. H. Swope, Sr., of Houston, Harris County, Texas, a former member of this body in the Thirty-fifth Legislature, was called to his eternal reward; and

Whereas, In his demise the State has lost a good and useful citizen; now therefore, be it

Resolved by the House of Representatives of the Regular Session, Forty-second Legislature of Texas, That we express our sincere sympathy to the bereaved wife and other members of his family; that a page of the Journal be dedicated to the memory of the deceased, and when the House adjourns today it shall be out of respect to him, and that a copy of this resolution, signed by the Speaker and the Chief Clerk, be sent to the members of his family.

Respectfully submitted,

MORSE,  
ADAMS of Harris,  
MATHIS,  
BRADLEY,  
HOLLAND.

The resolution was read second time and was adopted by a rising vote.